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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,388	06/05/2001	Naozumi Jogo	Q64739	4587

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EXAMINER

GOOD JOHNSON, MOTILEWA

ART UNIT	PAPER NUMBER
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2677

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,388

Applicant(s)

JOGO, NAOZUMI

Examiner

Motilewa Good-Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venable, U.S. Patent Number 6,557,017, in view of Luo, U.S. Patent Number 6,654,506.

Regarding claim 1, Venable discloses a method of cropping and synthesizing an image on a screen (col. 4, lines 54-67) comprising the steps of: displaying a boundary with a reference point on an image to synthesize on said screen (figure 8, col. , lines 4, lines 53-67, a structured image, which Examiner interprets as an image to synthesize, i.e., combine, having a pasteboard and at least one adjustable attribute) upon selecting a template having at least a frame (col. 18, lines 28-61), said boundary having a corresponding shape to that of said frame of said selected template . . . variable in size . . . and centered on said reference point (col. 8, lines 36-67) moving said boundary on said screen through an operation device to place said reference point of said crop boundary on an appropriate point of said image to synthesize (col. 7, lines 26-30); thereafter enlarging or reducing said crop boundary of said reference point, to bound an appropriate area of said image to synthesize (col. 9, lines 37-38); adjusting a size of an image of said bounded area (col. 9, lines 1-17); pasting said image in said frame of said

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template after enlarging or reducing said image in accordance with the size of said frame of said template (col. 8, lines 49-67)

However, it is noted that Venable fails to disclose cropping, moving a crop boundary on a screen through an operation device, and displaying a crop boundary.

Luo discloses crop windows for cropping images and using a crop window and moving a cropping window, col. 7, lines 1-22, and further displaying a crop boundary, figures 6-9.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the invention of Venable in the reference point and bounding box for producing structure images, displaying a crop boundary and using the crop window as disclosed in Luo for cropping images, to allow a user increase performance in combine operations, i.e. synthesizing, of image to enable attributes such as size, location and angle of object in an image to be altered for optimal image processing.

Regarding claim 2, Venable discloses said reference point is located inside said crop boundary at a constant position relative to said crop boundary (col. 9, lines 60-65)

Regarding claim 3, Venable discloses cropped image is automatically enlarged or reduced in accordance with the size of said frame of said selected template (col. 8, lines 49-67)

Regarding claim 4, Venable discloses displaying reference lines inside said crop boundary, to define an internal zone within said crop boundary . . . and moving at least one of said reference lines on said screen through said operation device while keeping said reference point on said appropriate point . . . (col. 12, lines 64-66)

Regarding claim 5, Venable discloses an image adjustable attributes method comprising the steps of: displaying an image on said screen (figure 9); displaying a boundary with a reference point on said image on said screen . . . boundary having an equal aspect ratio to that of said designated frame size . . . (figure 7); moving said boundary on said screen through an operation device, to place a predetermined reference point of said boundary . . . enlarging or reducing said boundary about said reference point . . . (col. 7, lines 26-30) pasting said image in said frame of said template after enlarging or reducing said image in accordance with the size of said frame of said template (col. 8, lines 49-67)

However, it is noted that Venable fails to disclose cropping, moving a crop boundary on a screen through an operation device, and displaying a crop boundary.

Luo discloses crop windows for cropping images and using a crop window and moving a cropping window, col. 7, lines 1-22, and further displaying a crop boundary, figures 6-9.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the invention of Venable in the reference point and bounding box for producing structure images, displaying a crop boundary and using the crop window as disclosed in Luo for cropping images, to allow a user increase performance in combine operations, i.e. synthesizing, of image to enable attributes such as size, location and angle of object in an image to be altered for optimal image processing.

Regarding claim 6, Venable discloses an image processing method comprising the steps of: displaying an image on said screen (figure 9); displaying a boundary with

a reference point on said image on said screen . . . boundary having an equal aspect ratio to that of said designated frame size . . . and being centered . . . (col. 11, line 55 – col. 12, line 8); displaying reference lines inside said crop boundary, to define an internal zone within said boundary . . . (col. 12, lines 61-66); moving said boundary together with said reference lines on said screen through an operation device . . . (col. 7, lines 26-30); moving at least one of said reference line on said screen through said operation device while keeping said reference point on said appropriate point of said image . . . (figure 9); enlarging or reducing said boundary about said reference point automatically . . . (col. 10, lines 1-15); cropping an image of an area of said image . . . (col. 17, lines 57-60)

However, it is noted that Venable fails to disclose cropping, moving a crop boundary on a screen through an operation device, and displaying a crop boundary.

Luo discloses crop windows for cropping images and using a crop window and moving a cropping window, col. 7, lines 1-22, and further displaying a crop boundary, figures 6-9.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the invention of Venable in the reference point and bounding box for producing structure images, displaying a crop boundary and using the crop window as disclosed in Luo for cropping images, to allow a user increase performance in combine operations, i.e. synthesizing, of image to enable attributes such as size, location and angle of object in an image to be altered for optimal image processing.

Regarding claims 7 and 8, they are rejected based upon similar rational as above independent claim 1 and dependent claim 4. Venable further discloses with regard to claim 7, allowing a user to bind an object to a template for printing, which Examiner interprets as selecting, and the template will automatically change color and cropping, col. 17, lines 39-60.

Regarding claim 9, Venable discloses display device displays samples of said different kinds of templates on said screen in a small size before one of said templates is selected (figure 21)

Regarding claim 10, Venable discloses display device displays a plurality of images in a small size on said screen, among which said image to synthesize may be selected from and is displayed in a large size after being selected (figure 10)

Regarding claim 11, Venable discloses display device displays said synthesized image on said screen after said image synthesizing device completes pasting said cropped image in said frame of said template (figure 10)

Regarding claim 12, Venable discloses an image input device (140) for inputting image data, and a printer (130, col. 7, lines 30-32) for printing out said synthesized image

Regarding claims 13-16, Venable discloses the appropriated area of said image corresponds to a region of interest selectable by a user (figure 5, fitmode selected by user, which Examiner interprets as a region of interest)

Regarding claim 17, Venable discloses wherein each template includes plural image locations (figures 10 and 11)

Regarding claim 18, Venable discloses wherein the display device display plural different images in the plural image locations of the selected template according to results of the image synthesizing device of pasted and cropped plural images (figures 10 and 11)

Regarding claim 19, Luo discloses wherein moving said crop boundary comprises a user operation of the operation device (a mouse, 1210, and further discloses that the program acts on information supplied through the interface units, in which the system would provide the final desired product, col. 10, lines 1-13)

Response to Arguments

3. Applicant's arguments filed 09/23/2005 have been fully considered but they are not persuasive.

4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Applicant argues that the prior art cited, Venable and Luo teach different forms of image processing. Although the prior art may suggest different forms of image processing, they provide the motivation to scale and view images cropped by using various image processing

techniques and operations. Venable further discloses the object data type include image representations, text, graphics, digital display, raster image or other data types, col. 8, lines 4-30.

Applicant argues that there is no reason to combine Venable and Luo, in that Luo recites accounts for location and size adjustment and angular rotation. Applicant claims a template having a frame and pasting the cropped image in said frame of said template after enlarging or reducing said cropped image in accordance with frame of said template, of which Examiner relies upon Venable. Luo is used to provide the failed teaching of the recited portion of applicants claimed subject matter of crop windows and moving cropping windows.

Applicant argues that Venable fails to disclose a template having a frame and the crop boundary having a shape corresponding to that of the frame. Venable discloses the pasteboard, i.e. frame, having objects, i.e. images, which can be specified within the pasteboard, i.e. frame, col. 8, line 35 – col. 10, line 21. Venable further discloses the pasteboard can be specified in a fitmode, having an aspect ration of the image to fit inside the pasteboard size. It is therefore the interpretation of the Examiner that the crop boundary corresponds to the cropped image size, and that Venable discloses the crop boundary having a shape corresponding to that of the frame by maintaining the aspect ratio of the cropped image, as disclosed by Applicant's specification, page 22.

Applicant argues that Venable fails to disclose maintaining the shape of the crop boundary being centered on the reference point. Venable discloses the pasteboard, i.e. frame, having objects, i.e. images, which can be specified within the pasteboard, i.e.

frame, col. 8, line 35 – col. 10, line 21. Venable further discloses the pasteboard can be specified in a fitmode, having an aspect ration of the image to fit inside the pasteboard size. It is therefore the interpretation of the Examiner that the crop boundary corresponds to the cropped image size, and that Venable discloses the crop boundary having a shape corresponding to that of the frame by maintaining the aspect ratio of the cropped image, as disclosed by Applicant's specification, page 22.

Applicant argues that Luo fails to disclose moving a crop boundary through an operation device and the user selects the appropriate point of crop boundary. Luo discloses a mouse, 1210, and further discloses that the program acts on information supplied through the interface units, in which the system would provide the final desired product, col. 10, lines 1-13, which Examiner interprets as moving a crop boundary by selection with an operation device.

Applicant argues that Venable fails to teach claim 2, that the reference point is located inside the boundary at a constant position relative to the crop boundary. It is the understanding of the Examiner that the control point is maintained at a center position, figure 9, and if located at the position of (-15, 30) after the cropped image has been rendered to a specific position, col. 9, lines 60-67.

Applicant argues that Venable fails to disclose a reference line disposed within the crop boundary, where the line is moved and the crop boundary is enlarged or reduced in relation to movement of the reference line, and that the reference line cited does not relate to any boundary area of the structure but the pasteboard. It is the interpretation of the Examiner that Applicants claims further comprising displaying

reference lines inside the crop boundary, which has been pasted in a frame of a template, and therefore Venable discloses in the boundary area of the pasteboard a reference line for each crop boundary.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa Good-Johnson whose telephone number is (571) 272-7658. The examiner can normally be reached on Monday, Tuesday and Wednesday 9:00 AM - 6:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Motilewa Good-Johnson
Examiner
Art Unit 2677

mgj

AMR A. AWAD
PRIMARY EXAMINER
